



Ohio Administrative Code

Rule 4301:1-1-33 Consumer tasting activities and sampling at retail permit premises.

Effective: May 7, 2012

(A) The following definitions apply to this rule:

(1) "Consumer Product Instruction", means a pre-scheduled organized event during which a manufacturer, supplier, broker, wholesale distributor, or their registered solicitor provides the public with one or more alcoholic beverages for the purpose of providing consumer instruction on the quality and characteristics of the beverage or beverages provided.

(2) "Sample Serving", sometimes referred to as "Trade Spending" or "Bar Spending", means an alcoholic beverage which is provided by a manufacturer, supplier, broker, wholesale distributor or their registered solicitors to one or more customers in a retail permit premises licensed for on-premises consumption, when the beverage is not provided for the purpose of "Consumer Product Instruction."

(B) A manufacturer, supplier, broker, wholesale distributor, or their registered solicitor may conduct "Consumer Product Instruction" at a retail permit premises licensed for on-premises consumption during normal business hours, but not to exceed two hours in length, subject to the following requirements:

(1) The alcoholic beverages featured in the "Consumer Product Instruction" must be products:

(a) That are registered for sale in Ohio,

(b) That the permit holder is authorized to sell for on-premises general consumption pursuant to its liquor permit,

(c) That the permit holder has purchased lawfully, and,

(d) That the permit holder has in stock.



(2) The manufacturer, supplier, broker, wholesale distributor, or their registered solicitor shall purchase the alcoholic beverage used in the "Consumer Product Instruction" from the retail permit holder. The price paid for the alcoholic beverage shall not exceed the price listed on the retail permit holder's schedule of prices, as required under rule 4301:1-1-50 of the Administrative Code.

(3) A consumer may be furnished up to two servings of the below beverages as part of a "Consumer Product Instruction" event, and each serving shall be limited to the following quantities:

(a) Spirituous liquor: Not more than 1.5 ounces,

(b) Mixed beverages: Not more than four ounces,

(c) Wine: Not more than four ounces, and,

(d) Beer: Not more than twelve ounces.

(4) No manufacturer, supplier, broker, wholesale distributor, or their registered solicitor, or any permit holder shall identify a retail permit premises in any off-premises advertising for any "Consumer Product Instruction."

(5) No manufacturer, supplier, broker, wholesale distributor, or their registered solicitor shall compensate or agree to compensate the permit holder, nor shall the permit holder accept or agree to accept compensation for the granting of permission to hold or for the performance of "Consumer Product Instruction."

(C) In addition to conducting "Consumer Product Instruction," a manufacturer, supplier, broker, wholesale distributor, or their registered solicitor may provide customers in a retail permit premises licensed for on-premises consumption with "Sample Servings" of the manufacturer's, supplier's, broker's or wholesale distributor's products, subject to the following requirements:

(1) The provision of a "Sample Serving" is not contingent upon the purchase of any other alcoholic beverage.



(2) The "Sample Serving" must be a product:

(a) That is registered for sale in Ohio,

(b) That the permit holder is authorized to sell for on-premises general consumption pursuant to its liquor permit,

(c) That the permit holder has purchased lawfully, and,

(d) That the permit holder has in stock.

(3) The manufacturer, supplier, broker, wholesale distributor, or their registered solicitor shall purchase the "Sample Serving" from the retail permit holder. The price paid for the "Sample Serving" shall not exceed the price listed on the retail permit holder's schedule of prices, as required under rule 4301:1-1-50 of the Administrative Code.

(4) A consumer may be furnished up to two "Sample Servings" of the below beverages during a twenty-four hour period, and each "Sample Serving" shall be limited to the following quantities:

(a) Spirituous liquor: Not more than 1.5 ounces,

(b) Mixed beverages: Not more than four ounces,

(c) Wine: Not more than four ounces, and,

(d) Beer: Not more than twelve ounces.

(D) The manufacturer, supplier, broker, wholesale distributor or their registered solicitor and the retail permit holder or their agent and/or employee shall be responsible for any violations of Chapters 4301. and 4303. of the Revised Code, or rules promulgated thereunder in engaging in the activities authorized by this rule.